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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Afghanistan,* Algeria,* Argentina,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Cuba, Cyprus,* Egypt, Germany, Georgia, Greece,* Indonesia, Kenya, Luxembourg,* Mauritania,* Mexico,* Montenegro,* Morocco,* Nigeria, Paraguay, Philippines, Portugal, Romania,* Serbia,* Spain,* Sudan,* Thailand,* Tunisia, Yemen:* draft resolution

34/... Right to work

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and other international human rights instruments relevant to the right to work, as well as the Beijing Declaration and Platform for Action and the outcome documents of its review and the 2030 Agenda for Sustainable Development,[1]

Reaffirming also Human Rights Council resolutions 28/15 of 26 March 2015 and 31/29 of 23 March 2016 on the right to work,

Recalling General Assembly resolution 63/199 of 19 December 2008, entitled "International Labour Organization Declaration on Social Justice for a Fair Globalization", and Economic and Social Council resolutions 2007/2 of 17 July 2007, on the role of the United Nations system in providing full and productive employment and decent work for all, and 2008/18 of 24 July 2008, on promoting full employment and decent work for all,

Recalling also the International Labour Organization Declaration on Fundamental Principles and Rights at Work and its follow-up, adopted by the International Labour Conference at its eighty-sixth session, on 18 June 1998, the Declaration on Social Justice

* State not a member of the Human Rights Council.

[1] General Assembly resolution 70/1.

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for a Fair Globalization, adopted by the Conference at its ninety-seventh session, on 10 June 2008, the Global Jobs Pact, adopted by the Conference at its ninety-eighth session, on 19 June 2009, the resolution concerning gender equality at the heart of decent work, adopted by the Conference at its ninety-eighth session, on 17 June 2009, and the resolution of the International Labour Organization on the follow-up to its Declaration on Fundamental Principles and Rights at Work, adopted by the Conference at its ninety-ninth session, on 15 June 2010,

Recognizing the primary role, mandate, expertise and specialization of the International Labour Organization within the United Nations system in relation to the promotion of decent work and full and productive employment for all, welcoming its initiatives and activities in this regard, including the Decent Work Agenda, and recalling the recently launched centenary initiatives of the International Labour Organization on the future of work and on women at work,

Acknowledging the work of the treaty bodies, in particular the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women, in relation to the right to work,

Acknowledging also the work of United Nations agencies, funds and programmes , in particular the International Labour Organization, in supporting the efforts of States to promote inclusive, sustained economic growth, full and productive employment and decent work for all and the full realization of the right to work, recognizing the important contributions by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) in relation to the realization of the right to work for women, and recognizing also the important ongoing work of the Secretary-General's high-level panel on women's economic empowerment to look at the best ways to unlock the power of women to work and achieve their financial independence,

Reaffirming that all human rights, civil, cultural, economic, political and social rights, including the right to development, are universal, indivisible, interdependent, interrelated and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Emphasizing that States should undertake to guarantee that the right to work is to be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Emphasizing also that the right to work is not only essential for realizing other human rights but also an inseparable and inherent part of human dignity and is important in ensuring the satisfaction of human needs and values that are central to a dignified life,

Recognizing that full and productive employment and decent work for all are key elements of poverty-reduction strategies that facilitate the achievement of the internationally agreed development goals, in particular the 2030 Agenda for Sustainable Development, and that they require a multidimensional focus that incorporates Governments, the private sector, national human rights institutions, civil society organizations, representatives of employers and workers, international organizations and, in particular, the agencies of the United Nations system and the international financial institutions,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on the relationship between the realization of the right to

work and the enjoyment of all human rights by women, with a particular emphasis on the empowerment of women,[2]

2. *Reaffirms*, as enshrined in the International Covenant on Economic, Social and Cultural Rights, the right to work, which includes the right of everyone to the opportunity to gain his or her living by work that he or she freely chooses or accepts, and that States should take steps to achieve the full realization of that right, including technical and vocational guidance and training programmes, policies and techniques, to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding the fundamental political and economic freedoms of the individual;

3. *Also reaffirms*, as enshrined in the International Covenant on Economic, Social and Cultural Rights, the right of everyone to the enjoyment of just and favourable conditions of work that ensure, in particular, remuneration that provides all workers, as a minimum, with fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; a decent living for themselves and their families; safe and healthy working conditions; equal opportunity for everyone to be promoted in his or her employment to an appropriate higher level, subject to no considerations other than those of seniority and competence; and rest, leisure and reasonable limitation of working hours and periodic holidays with pay, and remuneration for public holidays;

4. *Further reaffirms* that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to progressively achieving the full realization of the right to work by all appropriate means, including in particular the adoption of legislative measures;

5. *Recognizes* that ensuring equality and non-discrimination in access to work is crucial in addressing the social prejudices and disadvantages that might exist in the labour market and undermine equality and dignity;

6. *Stresses* that the freedom to work, which is included in the right to work, entails the right to pursue professional options under equal conditions, especially for women whose freedom is frequently compromised by discriminatory legal provisions or forced labour;

7. *Also stresses* that States, as provided for by the relevant international legal instruments, should prohibit forced and compulsory labour and punish the use of it in all its forms;

8. *Emphasizes* that the right to work entails, inter alia, the right not to be deprived of work arbitrarily and unfairly, and that States, in accordance with the relevant obligations in relation to the right to work, are required to put in place appropriate measures ensuring the protection of workers against unlawful dismissal;

9. *Underscores* the equal right of men and women to the enjoyment of all human rights, including the right to work, and that equal access to work is pivotal to the full enjoyment of all human rights by women, while recognizing that women are on many occasions subject to discrimination in the context of realizing their rights in that regard on an equal basis with men and are disproportionately exposed to the most precarious working

[2] A/HRC/34/29.

conditions, including work in the informal economy, limited or no legal protection, lower levels of representation in leadership and decision-making positions, lower levels of remuneration and involuntary temporary and part-time employment, and are disproportionately burdened with unpaid care and domestic work within the household and the family, which may constitute on many occasions a barrier to women's greater involvement in the labour market;

10. *Stresses* that States should take all appropriate measures to eliminate discrimination against women in the field of education and employment and to tackle any legal, social or structural barrier to employment opportunities, such as in education, health, work and life balance and lack of maternity protection, in order to ensure, on a basis of equality of men and women, the same rights, including in particular the rights to work, the same employment opportunities, promotion, free choice of profession and employment, job security and all benefits and conditions of service, and the rights to receive vocational training and retraining, equal remuneration, equal treatment in respect to work of equal value, social security and protection of health and safety in working conditions;

11. *Recognizes* that progress has been made, yet is deeply concerned that many persons with disabilities and women in vulnerable situations in all regions continue to face multiple and intersecting forms of inequality and discrimination, which represent significant obstacles in exercising their right to work on an equal basis with others, and that they are frequently subject to less favourable conditions of pay, precarious, often informal work conditions and poor career prospects in a context of environmental, social and economic barriers in their access to work and within work, and in education and training, which results on many occasions in neglect of their potential and restrictions on opportunities to earn a living through their capabilities;

12. *Underscores* the responsibility of the State to prevent the engagement of children in the worst forms of child labour and to protect them from economic exploitation and from performing any work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development;

13. *Expresses concern* that, according to the report of the International Labour Organization *World Employment Social Outlook: Trends 2017*, global unemployment is expected to rise in 2017 compared with 2016 by 3.4 million, of which a sizeable proportion are young people, and that the international economic and financial crisis has had a severe impact in that regard, and notes with concern that the global level of women's participation in the labour force is 27 per cent lower than that of men;

14. *Notes with concern* that, according to the report of the International Labour Organization *Women at Work: Trends 2016*, women's labour force participation in 2015 is estimated to be 49.6 per cent globally compared with 76.1 per cent for men, and that women workers are disproportionately represented in the informal economy as well as non-standard forms of employment, such as part-time and temporary contracts or self-employment, which can on many occasions compromise their job security, working conditions and social protection; and that in developing countries, the share of women in underemployment exceeds that of men;

15. *Expresses deep concern* that inequalities are widening and there are not enough jobs, including quality jobs, to keep up with a growing labour force and, bearing in mind the fundamental importance of equal opportunities, education and vocational training in the context of realizing the right to work, emphasizes that full and productive employment and decent work for young people play an important role in their empowerment and can contribute to, inter alia, the prevention of extremism, terrorism and social, economic and political instability;

16. *Stresses* that technical and vocational education, including in science, technology, engineering and mathematics, and lifelong learning opportunities and guidance for all, including women with disabilities, are necessary for the realization of the right to work;

17. *Welcomes* the adoption by the General Assembly of the 2030 Agenda for Sustainable Development, and emphasizes that there are targets therein to "by 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value" (target 8.5 of the Sustainable Development Goals) and to "recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family, as nationally appropriate" (target 5.4 of the Sustainable Development Goals), strengthening the efforts towards gender equality and the empowerment of women and girls, and calls for the implementation of its relevant goals and targets;

18. *Stresses* that the Sustainable Development Goals promote inclusive and sustained economic growth, higher levels of productivity and technological innovation, and encourage entrepreneurship and job creation, which can be effective measures to eradicate extreme poverty and hunger, forced labour, contemporary forms of slavery and human trafficking and to ensure that no one is left behind, bearing these targets in mind, the goal is to achieve full and productive employment and decent work for all women and men by 2030;

19. *Recognizes* that employment should be a central objective of economic and social policies at the national, regional and international levels for the sustainable eradication of poverty and for providing an adequate standard of living, and emphasizes in that regard the importance of relevant social protection measures, including social protection floors;

20. *Recognizes* the fundamental importance of international cooperation, including through technical cooperation, capacity-building and exchange of relevant lessons learned and good practices, in advancing efforts towards the full realization of the right to work through inclusive, sustainable economic growth, full and productive employment and decent work for all;

21. *Calls upon* States to put in place comprehensive policies and to take the legislative and administrative measures necessary for the full realization of the right to work for all, including women, by, inter alia, considering to undertake policy commitments and measures to obtain full and productive employment and decent work for all, including through the establishment, where appropriate, of institutions for that purpose and by further strengthening tools, such as job services and social dialogue mechanisms, while paying continuous attention to professional and technical training and initiatives to foster small and medium-sized enterprises, cooperatives and start-ups, especially those that are owned by women, as well as considering investing in infrastructure, services and social protection systems to allow for equitable sharing of care responsibilities between men and women;

22. *Highlights* the vital role of the private sector in generating new investments, job opportunities and financing for development and in advancing efforts towards the full realization of the right to work and the promotion of inclusive, sustained economic growth, full and productive employment and decent work for all, noting the multi-year strategy of the United Nations Global Compact to drive business awareness and action in support of achieving the Sustainable Development Goals by 2030, and recalling the need to promote the implementation of the Guiding Principles on Business and Human Rights, as well as the Women's Empowerment Principles established by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the Global Compact;

23. *Recognizes* the important contribution of workers' and employers' organizations in the area of full and productive employment and decent work for all, and the importance of promoting women's equitable representation, participation and leadership in such organizations;

24. *Underscores* that there is an urgent need to create an environment at the national and international levels that is conducive to the attainment of full and productive employment and decent work for all as a foundation for sustainable development and that an environment that supports investment, growth and entrepreneurship is essential to the creation of new job opportunities for women and men, and reaffirms that opportunities for men and women to obtain productive work in conditions of freedom, equity, security and human dignity are essential to ensure the eradication of hunger and poverty, the realization of equality between women and men, the improvement of economic and social well-being for all, the achievement of sustained, inclusive and sustainable economic growth and sustainable development of all nations and a fully inclusive and equitable globalization;

25. *Encourages* States to take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on the basis of the equality of men and women, the same rights;

26. *Calls upon* States to implement effective and targeted measures to ensure women's equal access to decent work and full and productive employment, including through investments in care infrastructure, policies and employment services that address specific challenges faced by women and policies that aim at removing conditions disadvantageous to women during the recruitment process, and to monitor the implementation of the regulatory measures aimed at protecting women against unfair treatment or arbitrary dismissals on account of sex, pregnancy or childbirth and assessing their effectiveness, while providing access to effective remedies;

27. *Recognizes* the importance of addressing the root causes that contribute to lesser participation of women in entrepreneurial activities and business ownership, and that financial inclusion is critical for promoting women's access to means of production, including through access to credit and financial services;

28. *Calls upon* States to continue their efforts to prevent and combat all forms of discrimination and violence, including sexual harassment at the workplace, including by adopting and implementing laws and policies and through training, awareness-raising and support for women's access to justice with respect to violence and sexual harassment, bearing in mind that these continue to be among the factors that have an adverse impact on the realization of the right to work for women;

29. *Encourages* States to take all appropriate measures to prohibit discrimination in all matters concerning access to employment and job opportunities, including in relation to equal conditions of pay, hiring and career advancement, and to pay particular attention to women facing multiple and intersecting forms of inequality and discrimination and women in vulnerable situations, including women with disabilities whose labour rights are often violated;

30. *Acknowledges* that the promotion of greater involvement by women in policymaking, law-making processes and workers' and employers' organizations is called for;

31. *Requests* the United Nations High Commissioner for Human Rights to prepare an analytical report, in consultation with States, United Nations agencies, funds and programmes, particularly the International Labour Organization, and the treaty bodies, special procedures, civil society, national human rights institutions and other stakeholders, on the relationship between the realization of the right to work and the implementation of

relevant targets in the Sustainable Development Goals, in accordance with States' respective obligations under international human rights law, to indicate the major challenges and best practices in that regard and to submit the report to the Human Rights Council prior to its thirty-seventh session;

32. *Decides* to remain seized of the matter.